



DFW

Atty. Dkt. No. 034536-1209

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

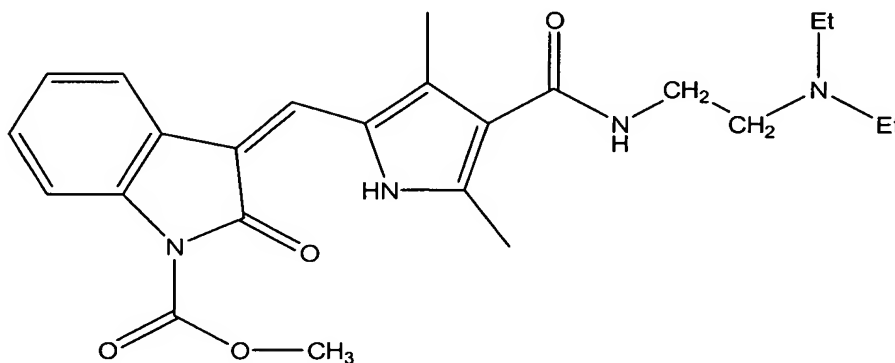
Applicant: Connie Li SUN et al.  
Title: PRODRUGS OF A 3-(PYRROL-2-YLMETHYLIDENE)-2-INDOLINONE  
DERIVATIVES  
Appl. No.: 10/816,957  
Filing Date: 04/05/2004  
Examiner: R. Shiao  
Art Unit: 1626

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

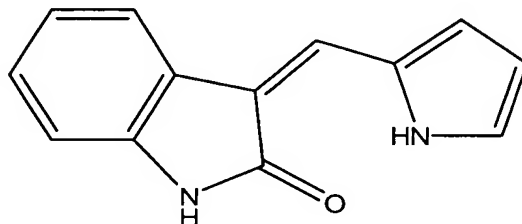
In response to the restriction requirement set forth in the Office Action of November 24, 2004, Applicants hereby provisionally elect Group I, Claims 1-15, for examination, with traverse. Applicants hereby provisionally elect as the elected species, the following compound:



The compound above corresponds to example 1 with R<sup>5</sup> as N-(2-diethylaminoethyl)aminocarbonyl. This moiety is found on page 26, line 7 as a preferred group of compounds.

The traversal is on the ground that the Examiner has not established that search and examination of the entire application as filed constitutes an undue burden.

The Examiner asserts that restriction of a Markush group is proper where the compounds within the group either (1) do not share a common utility or (2) do not share a substantial structural feature disclosed as essential to that utility. In the present application, both criteria are met. First, the common utility is that the compounds are prodrugs of protein kinase inhibitors. The substantial structural feature common to all compounds which are useful as protein kinase inhibitors is the following:



According to MPEP 803.02, search and examination of Markush type claims proceeds by an election of species. Should prior art be located which anticipates or renders the elected species obvious, a rejection is made and the search terminates. However, should no prior art be found, then the search should be expanded. It is requested that the Examiner follow the procedure of MPEP 803.02 in examining the present Markush group claim.

An early and favorable examination on the merits is requested.

Respectfully submitted,

Date 12/22/04

By Mary C. Till

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5475  
Facsimile: (202) 672-5399

Mary C. Till  
Attorney for Applicant  
Registration No. 41,545